

***North
Lanarkshire
Council***

Planning Applications for consideration
of Planning Committee

Committee Date: 5th December 2024

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APPLICATIONS FOR PLANNING COMMITTEE

5th December 2024

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Application No:

21/00226/FUL

Proposed Development:

Residential Development (49 Units Comprising 39 Flats and 10 Detached and Semi- Detached Dwellinghouses) and Associated Infrastructure

Site Address:

Land West Of
Rosehall Road
Shotts

Date Registered:

27th April 2021

Applicant:

Anco Construction Ltd
Mr Irvine Anderson
First Floor Maxim Business Park
Maxim 1
2 Parklands Way
Eurocentral
Motherwell
ML1 4WR

Agent:

CD Architects
Studio 5
The Old School Business Centre
40 Rochsolloch Road
Airdrie
ML6 9BG

Application Level:

Local Application

Contrary to Development Plan:

No

Ward:

13 Fortissat
Martin McCulloch, Margaret Hughes, John Jo
Leckie,

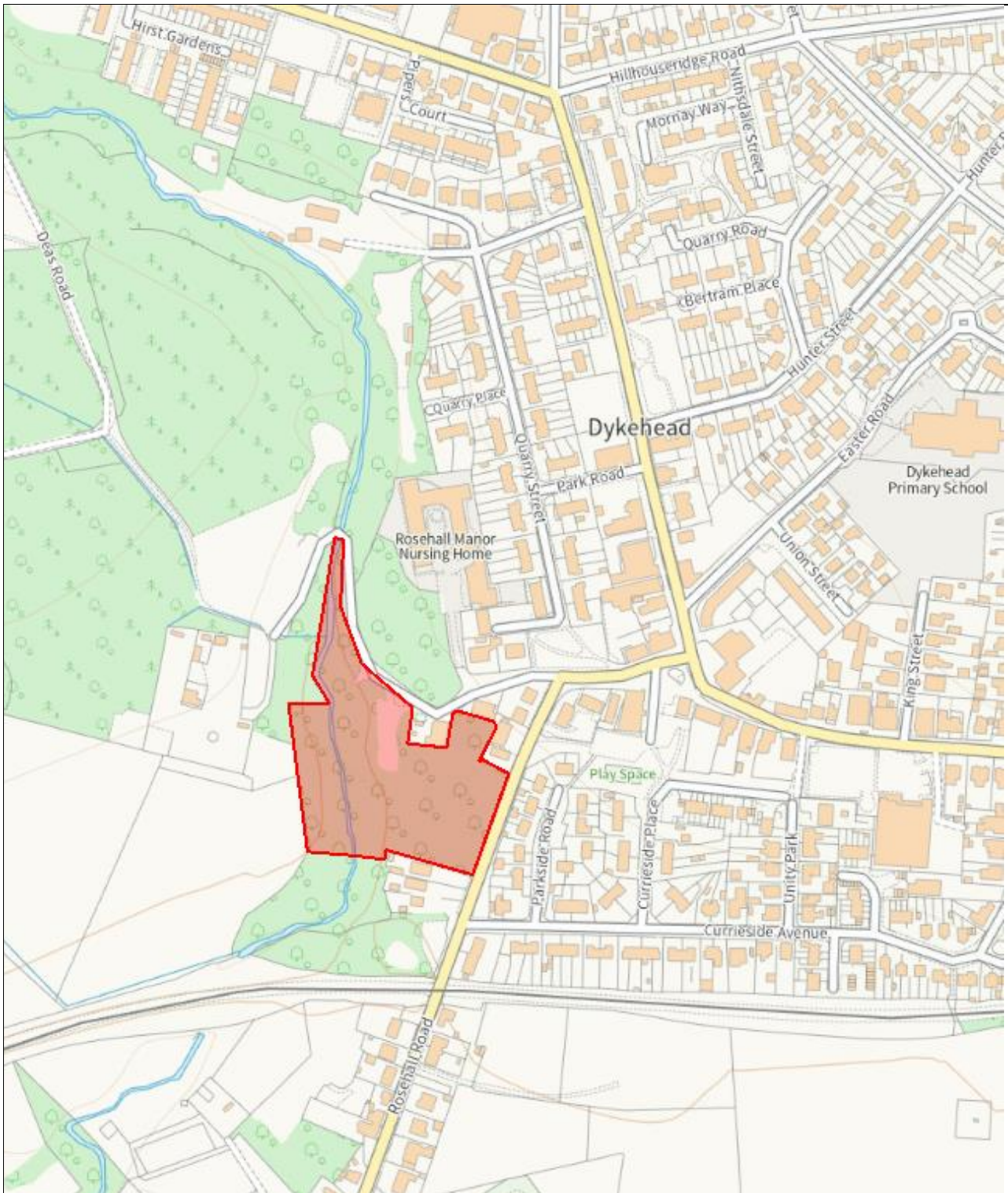
Representations:

25 letter(s) of representation received.

Recommendation:**Approve Subject to Conditions**

Reasoned Justification:

The proposed development is considered acceptable in terms of the development plan and meets the criteria set out within NPF 4 and policies PP 3 and AD 3, PROT A Category 5, EDQ 1, EDQ 2 and EDQ 3 of the North Lanarkshire Local Development Plan 2022. The proposed residential development can be incorporated within the urban site without having a detrimental impact on the character and amenity of the site and wider area. The proposed development utilises an area of vacant urban brownfield land, providing opportunities for landscaping and biodiversity enhancement and sustainable travel to and from the application site and wider Shotts area



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Planning Application: 21/00226/FUL
Name (of applicant): Anco Construction Ltd
Site Address: Land West Of Rosehall Road Shotts
Development: Residential Development (49 Units Comprising 39 Flats and 10 Detached and Semi-Detached Dwellinghouses) and Associated Infrastructure



Proposed Conditions:-

1. That, except as may otherwise be agreed in writing by the Planning Authority, the development shall be implemented in accordance with drawing numbers:-

H486-A-01A, H486-B-01A, H486-C-01B,
H486-D-01A, H486-E-01A, H486-F-01B,
H486-G-01B, H486-HJ-01A, H486-K-01B,
H486-L-01A, H486-ES-01C, H486-01E,
H486-02R, H486-05J, H486-13D,
H486-14M, H486-16A,

Reason: To clarify the drawings on which this approval of permission is founded.

2. That, notwithstanding the terms of Condition (1) above, the development shall be implemented in accordance with the site levels shown on drawing number H486-16A, H486-13D, H486-ES-01 C, H486- 14M, H486-02R and no alterations shall be made to these approved site levels and approved plans without the prior approval in writing of the Planning Authority.

For the avoidance of doubt, this condition also includes the requirement for prior approval for any changes in site levels proposed as a consequence of other formal consent processes including Roads Construction Consent and the Building Warrant process.

Reason: To ensure that all new site levels are appropriate for protecting the amenity of the proposed development.

3. That, before any development works of any kind (including the clearing of vegetation) starts on the application site, an updated Extended Phase I Habitat Survey and Protected Species Assessment (including all necessary surveys in relation to bats and breeding bird activity) shall be provided for the written approval of the Planning Authority. Within the updated Extended Phase I Habitat Survey and Protected Species Assessment a timetable for the implementation of recommendations should be included for the written approval of the Planning Authority.

For the avoidance of doubt, as a result of undertaking an updated Extended Phase I Habitat Survey and Protected Species Assessment, should any mitigation measures be required for any protected species, this shall be implemented in accordance with the species protection plan agreed in writing with the Planning Authority in consultation with Naturescot before works commence on the site.

Reason: In the interests of protecting nature conservation interests.

4. That, all recommendations as set out in the updated Extended Phase I Habitat Survey and Protected Species Assessment approved under the terms of condition 3 above, shall be implemented in full, in accordance with the timetable approved under the terms of under the terms of condition 3 above, unless otherwise agreed in writing by the Planning Authority.

In the interests of protecting nature conservation interests.

5. That, before any development works of any kind (including the clearing of vegetation) starts on the application site, a report which details the exact location of any Japanese Knotweed and Giant Hogweed within the application site shall be submitted for the written approval of the Planning Authority. This report should also set out proposals (with timescales) for the eradication and management of Japanese Knotweed and Giant Hogweed within the application site.

Reason: In the interests of protecting nature conservation interests.

6. That, prior to any of the dwellings hereby permitted are occupied, unless otherwise agreed in writing with the Planning Authority, all eradication and management proposals for the Japanese Knotweed and Giant Hogweed within the application site as set out within the report approved under the terms of condition 5 above, shall be implemented in full and a certificate (by a suitably qualified Ecologist) confirming the implementation these proposals shall be submitted to the Planning Authority prior to the occupation of any of the dwellings hereby permitted.

Reason: In the interests of protecting nature conservation interests.

7. That BEFORE any works of any description start on the application site, unless otherwise agreed in writing with the Planning Authority, a comprehensive site investigation report shall be submitted to and for the approval of the said Authority. The investigation must be carried out in accordance with current best practice advice, such as BS 10175 : 'The Investigation of Potentially Contaminated Sites' or CLR 11. The report must include a site specific risk assessment of all relevant pollution linkages and a conceptual site model. Depending on the results of the investigation, a detailed Remediation Strategy may be required. Information on the required format of the report and how it should be submitted to us can be found online: <https://www.northlanarkshire.gov.uk/planning-and-building/planning-applications/how-discharge-contaminated-land-planning-conditions>

Reason: To establish whether or not site decontamination is required in the interests of the amenity and wellbeing of future residents.

8. That any remediation works identified by the site investigation required in terms of Condition 7, shall be carried out to the satisfaction of the Planning Authority. A certificate (signed by a chartered Environmental Engineer) shall be submitted to the Planning Authority, unless otherwise be agreed in writing by the Planning Authority, prior to any of the dwellings hereby permitted are occupied, confirming that any remediation works have been carried out in accordance with the terms of the Remediation Strategy.

Reason: To ensure that the site is free of contamination in the interests of the amenity and wellbeing of future residents.

9. That before any development works start on the application site a scheme of intrusive site investigation shall be undertaken to establish the exact situation regarding the coal mining legacy on site and to establish the risks posed to the development by the recorded mine entries. The findings of the intrusive site investigation shall be submitted to the Planning Authority in the form of a detailed report for written approval in consultation with the Coal Authority. The remediation works identified for the treatment of mine entries and shallow coal workings identified by the site investigation deemed necessary to implement this development shall be outlined in this report.

Reason: To ensure that matters relating to coal mining risk are adequately addressed.

10. That before any development works start on the application site any remediation works and/or mitigation measures to address land instability arising from the mine entry, identified by the intrusive site investigation required in terms of Condition 9 above, shall be carried out to the satisfaction of the Planning Authority in consultation with the Coal Authority. Prior to the occupation of the first dwelling hereby approved, a certificate (signed by a Chartered Engineer experienced in mining works) shall be submitted to the Planning Authority confirming that the remediation works have been implemented in accordance with the relevant Coal Authority Guidance.

Reason: To ensure that matters relating to coal mining risk are adequately addressed.

11. That BEFORE any works of any description being commenced on the application site, unless otherwise agreed in writing with the Planning Authority, full details of the proposed surface water drainage scheme, including the period during construction, shall be submitted to the said Authority. The proposed surface water drainage scheme should include a detailed specification of mitigation measures to ensure that the Curry Burn is not adversely impacted during the construction period.

For the avoidance of doubt the drainage scheme must be carried out in consultation with SEPA and self-certified by a suitably qualified professional as complying with the principles of Sustainable Urban Drainage Systems (SUDS) in terms of the relevant CIRIA Manual and other advice published by SEPA.

Reason: To ensure the provision of satisfactory sewerage and surface water drainage arrangements.

12. That the SUDS compliant surface water drainage scheme approved in terms of Condition 11 above shall be implemented contemporaneously with the development in so far as is reasonably practical. Within three months of the construction of the SUDS, a certificate (signed by a Chartered Civil Engineer experienced in drainage works) shall be submitted to the Planning Authority confirming that the SUDS has been constructed in accordance with the relevant CIRIA Manual and the approved plans.

Reason: To ensure the provision of satisfactory sewerage and surface water drainage arrangements.

13. That BEFORE any works of any description being commenced on the application site, the applicant shall provide written confirmation to the Planning Authority that all the requirements of Scottish Water can be fully met to demonstrate that the development will not have an impact on their assets, and that suitable infrastructure can be put in place to support the development.

Reason: To ensure the provision of satisfactory sewerage and surface water drainage arrangements.

14. That prior to any of the dwellings hereby permitted are occupied, unless otherwise be agreed in writing by the Planning Authority, the access to Rosehall Road shown on drawing H486-02R shall be completed in full and written confirmation (signed by a suitably qualified Engineer) shall be submitted to the Planning Authority confirming that the access to Rosehall Road shown on drawing H486-02R have been constructed and are in operation.

Reason: To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.

15. That prior to any of the dwellings hereby permitted are occupied, a visibility splay of 4.5 metres by 60 metres, measured from the road channel, shall be provided on both sides of the vehicular access onto Rosehall Road and before the last dwelling hereby permitted is occupied everything exceeding 1.05 metres in height above the road channel level shall be removed from the sight line areas and, thereafter, nothing exceeding 1.05 metres in height above road channel level shall be planted, placed, erected, or allowed to grow, within these sight line areas.

Reason: To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.

16. That prior to any of the dwellings hereby permitted are occupied, the 3m footway shown on drawing H486-02R along Rosehall Road shall be constructed in accordance with the specifications of the Roads Authority and as described in the Roads Guidelines published by the said Roads Authority.

Reason: To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.

17. That prior to the last dwelling hereby permitted is occupied, all the parking and manoeuvring areas shown on the approved plans, shall be levelled, properly drained, surfaced in a material which the Planning Authority has approved in writing before the start of surfacing work, and shall, thereafter, be maintained as parking and manoeuvring areas.

Reason: In the interests of traffic and pedestrian safety.

18. That before any works of any description on site, unless otherwise agreed in writing, a detailed planting schedule, biodiversity enhancement scheme for the landscaping proposals shown on drawing H486-05J shall be submitted to, and approved in writing by the Planning Authority. A timescale for implementation of all landscaping, planting and biodiversity enhancement shall also be submitted to, and approved in writing by the Planning Authority.

Reason: In the interest of the amenity of the site and the general area.

19. That all works included in the scheme of landscaping shown on drawing H486-05J and the planting schedule and biodiversity enhancement scheme approved under the terms of condition 18 above, shall be completed in accordance with the approved timetable, and any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased, within two years of the full occupation of the development hereby permitted, shall be replaced within the following year with others of a similar size and species.

Reason: In the interest of the amenity of the site and the general area.

20. That BEFORE the development hereby permitted starts, full details of the facing materials to be used on all external walls and roofs shall be submitted to, and approved in writing by the Planning Authority and the development shall be implemented in accordance with the details approved under the terms of this condition.

Reason: In the interests of the visual amenity of the area.

21. That before the development hereby permitted starts, full details of the design and location of all fences and walls (including any retaining walls or fencing in relation to the embankment area shown on drawing H486-ES-01 C) to be erected on the site shall be submitted to, and approved in writing by the Planning Authority. A timescale for implementation of all fences and walls (including any retaining walls or fencing) shall also be submitted to, and approved in writing by the Planning Authority.

Reason: In the interests of the visual amenity of the area.

22. That all fences and walls (including any retaining walls or fencing) approved under the terms of condition 21 above, shall be completed in accordance with the approved timetable

Reason: In the interests of the visual amenity of the area.

23. That before the development hereby permitted starts, a management and maintenance scheme shall be submitted to, and approved in writing by the Planning Authority, and it shall include proposals for the continuing care, maintenance and protection of:-

- a) the proposed communal grassed, planted and landscaped areas
- b) any communal walls (retaining or otherwise) or fences
- c) any retaining walls or fencing in relation to the embankment area shown on drawing H486-ES-01 C

Reason: In the interest of the amenity of the site and the general area.

24. That prior to the last dwelling hereby permitted is occupied, the management and maintenance scheme approved under the terms of condition 23 shall be in operation.

Reason: In the interest of the amenity of the site and the general area.

Background Papers:

Consultation Responses:

The Coal Authority
Scottish Environment Protection Agency
Scottish Water
Environmental Health (including Pollution Control)
Traffic & Transportation
NLC Greenspace
Education
Assistant Community Partnership Manager

Contact Information:

Any person wishing to inspect these documents should contact Patricia Beaton at planningenquiry@northlan.gov.uk

Report Date: 22nd November 2024

APPLICATION NO. 21/00226/FUL

REPORT

1. Site Description

- 1.1 The application site is located within the established urban area of Shotts and is approximately 1.12ha in size. The application site is located off Rosehall Road in Shotts and is to the north and west of existing residential properties. To the northeast of the application site is a car garage and band hall and to the north of the site is the Rosehall Road Surgery and a garage workshop. The proposed development will be access from Rosehall Road. The site has a variety of level differences with site levels sloping down towards the Curry Burn which flows along the western boundary of the application site.

2. Proposed Development

- 2.1 The applicant seeks planning permission for a residential development of 49 units which comprises of five flatted blocked with a total of 39 flats, eight semi-detached dwellinghouses and two detached dwellinghouses. Associated infrastructure such as parking provision, drainage and the internal road layout and a new pedestrian and vehicle access onto Rosehall Road are also proposed.
- 2.2 It is noted that the application site boundary originally included areas of land to the west of the Curry Burn to which no development has been proposed. As no development has been proposed to these areas the applicant has revised the application site boundary to exclude them. The application site boundary denoted with a red line within drawing H486-01E now only includes land upon which development is proposed. The other areas of land within the applicant's ownership are now denoted with a blue line boundary.

3. Applicant's Supporting Information

- 3.1 The Applicant has provided the following information:
- Coal Mining Risk Assessment
 - Architectural drawings
 - Site level and section drawing
 - Drainage And Water Management Strategy
 - Flood Risk Modelling Report
 - Noise Impact Assessment
 - Design and Access Statement
 - Extended Phase I Habitat Survey
 - Protected Species Assessment Update
 - Landscaping proposals
 - Daylight Analysis
 - Report on Rotary Bores
 - Ground Level Tree Survey/Visual Assessment

4. Site History

- 4.1 An application for planning permission (07/01334/FUL) was approved (subject to conditions) in April 2010. This application was also submitted by the current applicant and sought permission for residential development comprising 43 flats (2 no. 2 storey blocks and 4 no. 3 storey blocks with 4 storey rear basement element) and erection of 10 two storey detached and semi-detached dwellings. This permission was approved following an appeal to the DPEA and required the completion of a Planning Obligation (S69 legal agreement). This Planning Obligation related to a financial contribution towards the improvement of off-site play facilities in lieu of on-site play provision. The S69 was completed and the contribution of £15,750 was paid to the council in April 2010.

5. Development Plan

- 5.1 The Development Plan consists of the North Lanarkshire Local Development Plan and the National Planning Framework 4 (NPF 4). NPF 4 was adopted by the Scottish Parliament in February 2023 and prevails over any policies in the Local Development Plan that are incompatible with its aims and objectives.
- 5.2 NPF 4 policy 3 Biodiversity sets out criteria by which development should be assessed. Development proposals should contribute to the enhancement of biodiversity, and development proposals for major development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity.
- 5.3 NPF 4 policy 13 Sustainable Transport sets out to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.
- 5.4 NPF 4 policy 14 Design, Quality and Place seeks to ensure that developments are of a good design that are not detrimental to the amenity of surrounding area and are consistent with the 6 qualities of successful places – Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable
- 5.5 NPF 4 policy 15 - Local Living and 20 Minute Neighbourhoods sets out that to establish this goal consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area.
- 5.6 NPF 4 policy 16 - Quality Homes supports new homes on land allocated for housing in Local Development Plans and sets out various requirements including, and not limited, to meeting local housing requirements, providing or enhancing local infrastructure, facilities or services and improving the residential amenity of the surrounding area.
- 5.7 NPF 4 policy 22 - Flood risk and water management intends to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.
- 5.8 The following policies are relevant within the North Lanarkshire Local Development Plan:
- PP 3 and AD 3 General Urban Area
 - PROT A Category 5 Natural Environment - Protected Species
 - CI Contributions to Infrastructure
 - EDQ 1 Site appraisal
 - EDQ 2 Specific Features for Consideration
 - EDQ 3 Quality of Development
- 5.9 PP 3 and AD 3 General Urban Area
This policy which seeks to maintain and improve the level of amenity in urban areas, by encouraging development that is in keeping with its often primarily residential character and encouraging diversity in more mixed-use areas. General Urban Areas are either primarily residential in character or have a mixture of recognisably urban uses.
- 5.10 PROT Natural Environment and Green Network Assets
Planning permission will only be granted for proposals potentially affecting Local Sites if it can be demonstrated to the Council's satisfaction that there will be no adverse impact or that any impacts can be mitigated in environmental terms relevant to the impact.
- 5.11 CI Contributions to Infrastructure
This policy sets out that the council will seek developer contributions for new developments that individually or cumulatively generate a requirement for new or enhanced services or infrastructure in respect of Affordable Housing, Education, Transport and Green Infrastructure, Amenity Space and Play.

- 5.12 Environmental and Design Quality Policies
EDQ 1 – Site Appraisal
EDQ 2 – Specific Features for Consideration
EDQ 3 – Quality of Development

These three policies look for proposed developments to create a successful place or enhance existing places by integrating successfully into the local area and avoiding harm to neighbouring amenity. To do this a range of criteria is listed within these policies which includes amongst other things aspects of design, massing, materials, topography and aspects to protect the existing urban area and its specific characteristics, assets and attributes. They consider hazardous zones, utilities infrastructure and management areas and look to promote biodiversity and the environment whilst meeting the challenges of the climate change via suitable and safe access for all users to promote sustainable public travel or for example the provision of electrical charge points where the car is still a requirement.

6. Consultations

- 6.1 The following consultation responses have been received in respect of the application.
- 6.2 Coal Authority initially objected to this application however following submission of additional information the Coal Authority has advised that it withdraws its objection and concurs with the recommendations of the Mining Risk Assessment Report (2 April 2021, prepared by Simpson Mining & Geotechnical Ltd) that recorded mine entries (shafts and adits) potentially pose a risk to ground stability and public safety and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding it. Should planning permission be granted conditions requiring the undertaking of a scheme of intrusive investigations and the implementation of any necessary remediation works and/or mitigation measures should be attached to any permission. A further condition requiring that, prior to the occupation of the site, a signed statement which confirms that the site is, or has been made, safe and stable for the approved development shall be submitted the council's Planning Service for approval should also be attached to any permission.
- 6.3 Scottish Environment Protection Agency (SEPA) initially objected to this application however following submission of additional information SEPA has advised that it withdraws its objection and are satisfied that proposal is in accordance with NPF4 Policy 22 part a) Flood risk and water management.
- 6.4 Scottish Water has no objection to this application.
- 6.5 The council's Pollution Control Service has no objections to the proposed development subject to site investigations being undertaken. Should this application be approved conditions requiring the submission of site investigation information and the undertaking of any necessary remedial works should be attached to any permission. Pollution Control has also required that a noise impact assessment should be undertaken. A Noise Impact Assessment by Sharps Redmore dated 21st December 2023 was subsequently submitted. Pollution Control has reviewed this and has advised that the methodology and conclusions of the report are acceptable and that no additional noise mitigation measures (such as any particular glazing specifications) are required other than the planned building and garden plot layouts detailed within the submitted drawings.
- 6.6 The council's Roads Development Service has provided comments in relation to the proposed access onto Rosehall Road, proposed footways, parking provision, and the development's internal road layout. Should this application be approved, conditions in relation to the implementation of the proposed access and visibility splay should be attached to any permission.

- 6.7 The council's Greenspace Development Service has reviewed the landscape proposals and have advised that they are satisfied with the proposed landscaping for the development. The Greenspace Development Service has advised that further planting species and biodiversity enhancement information is required and should this application be approved conditions requiring the submission of this information should be attached. Following on from this, conditions ensuring the full implementation and thereafter maintenance of the proposed landscaping also be attached to any permission. The Greenspace Development Service has also advised that an updated Extended Phase I Habitat Survey and Protected Species Assessment should be submitted prior to the undertaking of any works on site should this application be approved.
- 6.8 The council's Learning and Leisure Service has advised that no capacity issues are anticipated within local schools and no developer contribution has been requested.
- 6.9 The council's Play Service has advised that for a development such as this a developer contribution towards off-site play provision would usually be required. However, as a developer contribution towards play provision has previously been paid to the council in relation to planning permission 07/01334/FUL, no additional developer contribution is required in this instance.

7. Representations

- 7.1 Following the advertisement and neighbour notification of this application 24 objections (including several from the same household) and a single neutral representation were received.
- 7.2 In summary, the objections to this application raise concerns in the following areas:
- Impact on traffic levels and condition of Rosehall Road
 - Pedestrian safety concerns including the narrow footways on Rosehall Road
 - Concerns about the rail bridge on Rosehall Road
 - Impacts on privacy of neighbouring properties
 - Impacts on daylight of neighbouring properties
 - Impacts on the Curry Burn
 - Underground mining concerns within the site
 - Impact on existing services, facilities and infrastructure such as schools, shops, doctors and parking
 - Lack of services within local area such as shops
 - Concerns about noise from the development
 - Concern about impact on existing noise making properties such as the band hall
 - Drainage and flooding impacts caused by the proposed development
 - Impact on wildlife
 - Loss of trees
 - Loss of greenspace
 - Japanese knotweed concerns
 - Lack of social/affordable housing
 - Overdevelopment of Shotts
 - Overdevelopment of the site
 - Development should be on brownfield sites
 - The development of Flats is not in keeping with local area
 - The height of the flats is not in keeping with local area
- 7.3 Other issues were raised; however, they are not material planning considerations. These include concerns such as the impact on existing views, impact on mental health, potential increase of vermin due to the development, speeding on Rosehall Road, impacts caused by construction (dirt, dust, road closures, noise), possible anti-social behaviour and potential damage to neighbouring properties.
- 7.4 Concerns regarding the council's neighbour notification procedures have been raised, specifically in relation to the timescale within which representations can be made and the potential discrimination such timescales cause to those without access to the internet.

7.5 A request for a Planning Hearing has been made by objectors to the development. Based on the approved protocol for planning application hearings, as the proposal is recommended for approval and is not considered to be contrary to the development plan, that the threshold set out for a hearing has not been met.

8. Planning Assessment

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises the North Lanarkshire Local Development Plan (NLLDP) and the National Planning Framework 4 (NPF 4) with NPF 4 prevailing over any NLLDP policies that are incompatible with its aims and objectives.

National Planning Framework 4

8.2 The introduction of NPF 4 in February 2023 requires that these policies be taken into account in assessing all developments. The most appropriate of these are discussed below.

8.3 NPF 4 policy 3 Biodiversity sets out criteria by which development should be assessed. Development proposals should contribute to the enhancement of biodiversity, and proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity. The proposed development is located out with any designated nature conservation sites. However, due to an Extended Phase I Habitat Survey and Protected Species Assessment have been submitted by the applicant which advises that the application site includes areas of dense scrub, grassland, tall ruderals and semi-natural board-leaved woodland. The site also includes areas of Japanese Knotweed and Giant Hogweed. There is no evidence within the site of otters, badgers and water voles. This report concludes that the habitats present on site are not considered to be significant at the local or regional level. The Greenspace Development Service has advised that an updated Extended Phase I Habitat Survey and Protected Species Assessment (both by Acorna Ecology Ltd) should be submitted prior to the undertaking of any works on site should this application be approved. Conditions in relation to the undertaking of these updated surveys, submission of updated reports and the implementation of any recommendations within these reports should be attached to any permission. Conditions requiring the submission of reports detailing the exact location of Japanese Knotweed and Giant Hogweed within the application site as well eradication proposals should also be attached to any permission.

8.4 The applicant has also submitted a Ground Level Tree Survey/Visual Assessment (by Acorna Ecology Ltd) as part of this application. This Ground Level Tree Survey/Visual Assessment surveyed trees within the site to determine whether there are any of a high quality and value are located within the site that should be retained. Acorna Ecology Ltd has advised that there no trees of high quality and value that should be retained with many being of moderate or low quality and value. It should be noted that there are no Tree Preservation Orders attached to any trees within the site. It is noted that the applicant has proposes a scheme of landscaping which is detailed within drawing H486-05J. The Greenspace Development Service is satisfied with the proposed landscaping scheme and advised that further planting species and biodiversity enhancement information is required and should this application be approved conditions requiring the submission of this information should be attached to any permission. The Greenspace Development Service have advised that should this application be approved, conditions ensuring the full implementation and thereafter maintenance of the proposed landscaping be attached to any permission. On assessment, it is considered that the proposed development would be compatible with policy 3 (Biodiversity) within NPF 4.

8.5 NPF 4 policy 13 Sustainable transport sets out to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. The application site is well located with opportunities for sustainable travel by bus within walking distance of the application site. Bus services serving bus stops located on Easter Road and King Street enable access to a range of destinations such as Harthill, Wishaw General Hospital, Ravenscraig, Motherwell and Whitburn and other opportunities for onward travel by train via Shotts Train Station. The proposed layout of the development allows for high quality permeable walking environments with the installation of 3m wide footpaths along the frontage of the site on Rosehall Road. The proposed development therefore accords with policy 13 Sustainable transport.

- 8.6 NPF4 policy 14 Design, Quality and Place seeks to ensure that developments are of a good design that are not detrimental to the amenity of surrounding area and are consistent with the 6 qualities of successful places – Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable. Proposals which are poorly designed or detrimental to the amenity of the surrounding area will not be supported. LDP policies EDQ 1 and EDQ 3 collectively have similar requirements, specifying that development proposals be subject to an appropriate site appraisal and achieve a high quality of development. The proposed residential development is considered well designed and would integrate well within the existing urban area. The applicant proposes the use of traditional finishing materials such as facing brick and rendered masonry. Whilst the proposed finishing material are acceptable, should this application be approved a condition requiring the submission of specific details of the proposed finishing materials for each flatted block and dwellinghouse would be attached to any permission. It is considered that the development meets the six qualities of successful places and therefore accords with this policy.
- 8.7 NPF 4 policy 15 Local Living and 20 Minute Neighbourhoods intends to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options. When considering a proposal, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to sustainable modes of transport (local public transport and safe, high-quality walking, and cycling networks), shopping, education and health, social services and affordable and accessible housing options. Being within an urban area the application site is well served by road and footpath links, with further improvement to the footway provision along Rosehall Road being proposed by the applicant. The site has access to sustainable travel options such as buses which provides direct connections to large supermarkets within Newmains and Wishaw. The application site is located to the west of Shotts Town Centre and is within walking distance of local convenience shops providing day to day provisions. The proposed development is therefore considered to comply with policy 15 of NPF 4.
- 8.8 NPF 4 policy 16 Quality Homes seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities. It is considered that the proposed residential development with its mix of accommodation type including flats and semi-detached and detached dwellinghouses will provide choice for future residents. The proposed development is therefore considered consistent with this policy.
- 8.9 NPF 4 policy 22 Flood risk and water management intends to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Part c) of policy 22 advises that development proposals should not increase the risk of surface water flooding to others, or itself be at risk, manage all rain and surface water through sustainable urban drainage systems (SUDS) and seek to minimise the area of impermeable surface. It is noted that SEPA initially objected to this application as additional flood risk modelling was required. Following submission of this additional information SEPA has advised that it withdraws its objection and is satisfied that proposal is in accordance with NPF 4 Policy 22 part a) Flood risk and water management.
- 8.10 Based on the above assessment the proposed development complies with policies 3, 13, 14, 15, 16 and 22 of NPF 4.

North Lanarkshire Local Development Plan

- 8.11 The application site is designated as part of the General Urban Area under policies PP 3 and AD 3. Policy PP 3 and AD 3 seeks to maintain and improve the level of amenity in urban areas, by encouraging development that is in keeping with its often primarily residential character and encouraging diversity in more mixed-use areas. General Urban Areas are either primarily residential in character or have a mixture of recognisably urban uses. To the west of the application site is the Curry Burn and an area of land (owned by the applicant) which is designated as part of the Countryside under NLLDP policy PP 5 and AD 5. The applicant originally included this area of Countryside within the application site boundary despite no development being proposed for this area. The applicant revised the application site boundary and has excluded this area to the west of the Curry Burn from this application. In terms of policy PP 3 and AD 3, the proposed development is located within an existing General Urban Area and will enable an existing vacant site to be developed. The proposal for a residential development of 49 dwellings would integrate successfully with the existing residential areas to the south and east. It is therefore considered that this application would comply with policies PP 3 and AD 3.
- 8.12 Policy PROT A Category A5 sets out that development that significantly affects a species protected by law will only be permitted where an appraisal has demonstrated that the protected species would not be compromised; or any significant adverse effects on the protected species are mitigated through planning conditions. As detailed above the applicant has submitted an Extended Phase I Habitat Survey, July 2021 with April 2023 Update. The habitats present are not considered significant at a local or regional level. With regards to protected species, the report advises that due to the possibility of bats roosting within the site a series of bat surveys should be completed. Similarly for breeding birds further survey to pinpoint any breeding bird activity should be undertaken prior to any removal of vegetation. In terms of other protected species, no evidence of otters, badgers or water vole has been found. The council's Greenspace Development Service having reviewed the Extended Phase I Habitat Survey, July 2021 with April 2023 Update and Protective Species Assessment (dated 2009) has raised no objection to this application and has advised that should planning permission be approved, conditions requiring the submission of an updated Extended Phase I Habitat Survey and Protected Species Assessment prior to the undertaking of any works on site (including the removal of vegetation) should be attached to any permission. Conditions in relation to the implementation of any recommendations within these updated reports should also be attached to any permission.
- 8.13 Where new development is proposed that, individually or cumulatively, generates a requirement for new or enhanced infrastructure or services in the categories listed, developers will be expected to contribute towards the provision of the required infrastructure, facilities and services. Policy CI 1 Contributions to Infrastructure sets out the four categories of infrastructure which the council could seek developer contributions towards. CL1 Category Green Infrastructure, Amenity Space and Play advises that for all forms of development a contribution towards the creation of green infrastructure, amenity space and/or the provision of play infrastructure may be expected. For all forms of development, the Council will secure the required on-site green infrastructure, amenity space and/or the provision of play infrastructure by planning condition and/or legal agreement. For developments where off-site provision is preferred or required but cannot be provided directly by the developer or group of developers the Council will seek contributions to the identified infrastructure. In this case the council's Play Service has advised that whilst a developer contribution towards off-site play provision would usually be required for this type of development, as a developer contribution towards play provision has previously been paid to the council in relation to a previous planning approval that was not developed on the application site, no additional developer contribution is required.
- 8.14 In relation to policies EDQ 1 the applicant has submitted information in relation to their appraisal of the application site including architectural and site levels drawings, Coal Mining Risk Assessment, Drainage and Water Management Strategy, Flood Risk Modelling Report, Noise Impact Assessment, Design and Access Statement, Extended Phase I Habitat Survey, Protected Species Assessment Update, Landscaping proposals, Daylight Analysis, Report on Rotary Bores and a Ground Level Tree Survey/Visual Assessment.

- 8.15 Policy EDQ 2 Specific Features for Consideration details that the council will consider development in areas subject to hazards (Hazardous Zones such as Coal Authority High Risk Areas) and other specific features (utilities infrastructure and management areas) in accordance with plans and protocols of the relevant managing agencies. The Council will expect applications for Planning Permission to be accompanied by an assessment of how constraints affect sites dependant on the characteristics of the site, its surroundings and the form of development. The application site is located within a Coal Authority High Risk Area and the applicant has submitted a Coal Mining Risk Assessment. As detailed above the Coal Authority has advised that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding it. Should planning permission be granted conditions requiring the undertaking of a scheme of intrusive investigations and the implementation of any necessary remediation works and/or mitigation measures should be attached to any permission. A further condition requiring that, prior to the occupation of the site, a signed statement which confirms that the site is, or has been made, safe and stable for the approved development shall be submitted the council's Planning Service for approval should also be attached to any permission.
- 8.16 Policy EDQ 3 Quality of Development sets out that development will only be permitted where high standards of site planning and sustainable design are achieved. Aspects such as siting; overall layout; density; form; scale; height; massing; proportion; detailing; colour; materials for the proposed development need to be considered. Policy EDQ 3 also includes aspects related to creating areas which provide a sustainable, safe, secure, and convenient access to and from the development that makes it easy to move around, and is attractive to pedestrians, cyclists, and people with disabilities. Any development would need to integrate well with public transport, green networks, and wider links. The assessment of and (where necessary) the mitigation of pollution impacts is also included within policy EDQ 3.
- 8.17 With regard to policy EDQ 3, it is considered that the scale, density, design and overall layout; of the proposed development would be acceptable and would integrate successfully into the local and wider urban area. The applicant proposes the use of traditional finishing materials such as facing brick and rendered masonry which is considered acceptable. Should this application be approved a condition requiring the submission of specific details of the proposed finishing materials for each flatted block and dwellinghouse will be attached to any permission. It is noted that as part of the proposed development the application site will be re-profiled with the existing site levels of areas of the site being lower from that currently. Drawings H486-16A and H486-13D show the existing site levels and site sections for the application site and drawings H486-ES-01 C, H486-14M, H486-02R show the proposed site levels and site sections for the proposed development. The applicant has also provided details of the finished floor levels for each flatted block and dwellinghouse. Conditions relating to the implementation of the approved site levels will be included within any permission.
- 8.18 In terms of the potential impact of the development on the daylight of neighbouring properties, the Building Research Establishment's guide 'Site Layout Planning for Daylight and Sunlight' sets out empirical guidelines and methods for assessing natural light. The 25-degree test is to establish the effect a proposed building will have on existing properties with regard to obstructing daylight to existing windows/rooms. The applicant has provided a Daylight Analysis which assesses the potential the daylight/sunlight impact that the of the flatted blocks in closest proximity to neighbouring properties to the north, east and south of the application site.
- 8.19 With regards to the potential impact on neighbouring properties to the application drawing H486-14M shows that the impact would be minimal, and it is therefore considered any impact felt would not be so significant to warrant a refusal in this case.

- 8.20 In terms of any potential impacts to the privacy of neighbouring properties, to ensure that a reasonable standard of privacy is maintained minimum distance are required between proposed and existing properties. For windows that are directly facing each other a minimum distance of 18m (for residential properties) is usually required. With regards to the Rosehall Surgery building, Block C is located approximately 7m from the rear wall of the Surgery building. Whilst it is noted that the distance between the directly facing windows of Block C are less than 18m, it is considered that given, the non-residential use of the building, the applicant's proposed boundary fencing and heavy vegetation to the rear garden of the Surgery will minimise any potential privacy impacts. With regards to the privacy of neighbouring properties along Parkside Road, should Blocks A and B be constructed the distance between these Blocks and the Parkside Road properties will be at least 22m, which is 4m over the minimum distance of 18m required for residential properties. For the property at 60 Rosehall Road, the distance between the nearest facing proposed block, Block L is at least 28m. It is therefore considered that whilst there may be some potential for overlooking into neighbouring properties, given the distance between neighbouring properties and the proposed development, any issues with privacy would be minimal and would not be sufficient to warrant a refusal in this case.
- 8.21 With regards to flooding and drainage, the applicant has provided a Drainage and Water Management Strategy and a Flood Risk Modelling Report which have been reviewed by SEPA. The Drainage and Water Management Strategy advises that there is no indication of any fluvial flooding risk within the site. In terms of surface water flooding, when flooding occurs it usually following intensive and prolonged rain. The Drainage and Water Management Strategy advises that with the implementation of a mitigating surface water drainage scheme as part of the development there would be no risk of surface water flooding. SEPA initially raised concerns regarding the proposed earthworks towards the western boundary of the application site along which the Curry Burn flows. However, following the submission of the Drainage and Water Management Strategy and a Flood Risk Modelling Report (both by the JNP Group) SEPA has withdrawn its objection to the proposed development and is satisfied that proposal is in accordance with NPF4 Policy 22 a) Flood risk and water management. As part of the proposed development the applicant proposes a surface water drainage scheme and should this application be approved, a condition requiring the submission of full details of the proposed surface water drainage scheme for approval prior to works beginning on site should be attached to any permission. A further condition requiring confirmation that the approved surface water drainage scheme has been completed prior to the occupation of any residential dwelling would also be attached to any permission.
- 8.22 In terms of landscaping and biodiversity, as discussed above an Extended Phase I Habitat Survey, Protected Species Assessment and Ground Level Tree Survey/Visual Assessment (all by Acorna Ecology Ltd) these were submitted by the applicant for this application. These reports advise that the proposed development is located out with any designated nature conservation sites and do not appear to include any protected species such as otters, badgers and water voles. It may however be home to roosting bats. The site does include Japanese Knotweed and Giant Hogweed; however, the full extent of these invasive species needs to be determined. The Greenspace Development Service has advised that an updated Extended Phase I Habitat Survey and Protected Species Assessment should be submitted prior to the undertaking of any works on site should this application be approved. Conditions requiring the submission of an updated Extended Phase I Habitat Survey and Protected Species Assessment (including bat surveys) prior to the undertaking of any works on site (including the removal of vegetation) should be attached to any permission. Conditions in relation to the implementation of any recommendations within these updated reports should also be attached to any permission. Further conditions requiring the submission of reports detailing the exact location of Japanese Knotweed and Giant Hogweed within the application site as well eradication proposals should also be attached to any permission.

- 8.23 As part of the proposed development the applicant has submitted a landscaping proposal (drawing H486-05J) which details the proposed landscape planting and boundary treatments for the development. The council's Greenspace Development Service has reviewed the landscape proposals and have advised that it is satisfied with the information provided so far and has advised that a further detailed planting schedule and biodiversity enhancement proposal scheme be provided, should this application be approved, conditions requiring the submission of this information should be attached to any permission. The Greenspace Development Service have also advised that should this application be approved, conditions ensuring the full implementation and thereafter maintenance of the proposed landscaping be attached to any permission. Whilst it is noted that some boundary treatment information has been submitted, should this application be approved a condition requiring the submission of the full details of the design and location of all fences and walls within the development should be attached to any permission including one that relates to the implementation of the fences and walls within the development.
- 8.24 With regards to the traffic and transportation aspects of policy EDQ 3, the council's Roads Development Service has no objection to the proposed development and have provided comments in relation to the proposed access onto Rosehall Road, proposed footways, parking provision, and the development's internal road layout. It is noted that the footway along the west side of Rosehall Road is discontinuous and only fronts a limited number of existing residential properties. The Roads Development Service has advised that a 3m wide footway should be provided to the frontage of the application site as shown on drawing H486-02R. The Roads Development Service has also advised that a visibility splay of 4.5m by 60m should be provided at the new access on Rosehall Road. Conditions to ensure the implementation of the proposed access and visibility splay onto Rosehall Road and the 3m wide footway should be attached to any permission if this application is approved. A condition to ensure the completion of the development's internal road layout should also be attached to any permission.
- 8.25 Policy EDQ 3 also includes the requirement for the assessment of and (where necessary) the mitigation of noise/air pollutants or pollution impacts caused either by the development or within the development site. The council's Pollution Control Service has advised that should this application be approved conditions relating to the submission of site investigation information and the implementation and verification of any necessary remedial works should be attached to any permission. In terms of potential noise impacts, Pollution Control required that a noise impact assessment should be undertaken by the applicant which should consider whether any noise mitigation measures are required to mitigate nearby noise generating properties such as a band hall on Rosehall Road. A Noise Impact Assessment by Sharps Redmore dated 21st December 2023 was submitted. Following a review of this Noise Impact Assessment Pollution Control has advised that advised that the methodology and conclusions of the report are acceptable and no additional noise mitigation measures (such as any particular glazing specifications) are required other than the planned building and garden plot layouts detailed within the submitted drawings.
- 8.26 Taking into account the assessment above it is considered that the proposed development would be consistent with policies EDQ 1, EDQ 2 and EDQ 3.
- 8.27 As it is considered that the proposed development is complies with development plan policy and in particular policies 3, 13, 14, 15, 16 and 22 of NPF 4 and policies PP 3 and AD 3 General Urban Area, PROT A Category 5, EDQ 1, EDQ2 and EDQ 3 of the North Lanarkshire Local Development Plan 2022, it is considered that this application should be approved in accordance with Section 25 as there are any other material considerations that suggest it should be refused.
- 8.28 Following the advertisement and neighbour notification of this application 24 objections (including several from the same household) and a single neutral representation were. A number of the issues raised by objectors (including impacts on privacy and daylight to neighbouring properties, noise and mining legacy) have been discussed above with further objections raised highlighted below.

- 8.29 Concerns in relation to Rosehall Road including potential increase vehicle traffic, the railway bridge, pedestrian safety and the condition of Rosehall Road have been raised.
Response: As set out above, the council's Roads Development Service has been consulted regarding this application and no concerns regarding the potential increased traffic to Rosehall Road, impact on the bridge or the condition of Rosehall Road have been raised by NLC Roads Development Service. With regards to pedestrian safety, the applicant proposes a 3m wide footway along the frontage of the application site which the Roads Development Service have advised should be conditioned if this application is approved.
- 8.30 Concerns in relation to the developments impact on wildlife within the site, the loss of greenspace, loss of trees and presence of Japanese knotweed have also been raised.
Response: It is noted that the application site originally included an area of land to the west of the Curry Burn which is designated as part of the Countryside within the NLLDP. As no development has been proposed the applicant has restricted the application site boundary to the area where development would occur. The applicant has submitted an Extended Phase I Habitat Survey, Protective Species Assessment and Ground Level Tree Survey/Visual Assessment as part of this application and proposes landscaping and enhancement measures as part of the development. The council's Greenspace Development Service has been consulted regarding the proposed development and have no objection to the development. Further details of the council's Greenspace Development Service's comments are outlined above. With regards to Japanese Knotweed, it is the responsibility of the applicant to prevent its spread and take any necessary remedial action. Should this application be approved conditions requiring the submission of reports detailing the exact location of Japanese Knotweed and Giant Hogweed within the application site as well eradication proposals would also be attached to any permission.
- 8.31 The concerns raised regarding potential drainage, flooding (including impact on the Curry Burn).
Response: The proposed development includes proposals for drainage provision and both Scottish Water and SEPA have been consulted regarding this application. Conditions to ensure the submission of a detailed drainage scheme and its subsequent implementation should be attached to any permission. Furthermore, it is the applicant's responsibility to ensure that this provision complies with the relevant requirements of both Scottish Water and SEPA.
- 8.32 The objectors have raised concerns regarding the overdevelopment of Shotts and that the development as proposed represents an overdevelopment of the site. Concerns regarding the design and composition of the development have also been raised.
Response: As part of our assessment of any application the siting; overall layout; density; form; scale; height; massing; proportion; detailing; colour; materials for the proposed development are considered. In this case the proposed development is located within a site designated as part of the urban area and would enable a vacant brownfield site to be development. As detailed above it is considered that the scale, density, design and overall layout of the proposed development would be acceptable and would integrate successfully into the local and wider urban area.
- 8.33 The lack of social/affordable housing proposed within the site has been raised.
Response: The need for social and affordable housing is an important issue and the council has an important part of play in ensuring availability. Policy CI Contributions to Infrastructure within the NLLDP sets out the council's development plan policy on affordable housing which advises that for residential developments in the Cumbernauld Housing Sub-Market Area the council will seek to secure 20% affordable housing provision. Whilst the objector's concerns regarding affordable housing provision is noted, no need for provision has been identified in this case.
- 8.34 Concerns regarding the lack of services within Shotts and the impact that the development would have on them are noted.
Response: The proposed is located within walking distance of Shotts Town Centre which provides a variety of services for the community. It is considered that the future residents of the development could have a positive impact on these services with their additional footfall. Whilst the objector's concerns regarding a lack of services in Shotts are noted, the provision of such services is outside the scope of this application.

- 8.35 With regard to concerns about the council's neighbour notification procedures for application, the objectors consider that the neighbour notification process and the timescale within which representations can be made as potentially discriminatory to those without access to the internet.
Response: The advertisement and neighbour notification of this application has been undertaken in line with the statutory requirements of the planning legislation which have been set out nationally by the Scottish Government following appropriate wider consultation.
- 8.36 Other concerns were raised by objectors including potential impact on existing views, impact on mental health, potential increase of vermin due to the development, Speeding on Rosehall Road, impacts caused by construction (dirt, dust, road closures, noise), possible anti-social behaviour due to the development and potential damage to neighbouring properties.
Response: Whilst it is appreciated that these issues are important to nearby occupiers, they do not represent material considerations which can be considered as part of the assessment of this application.
- 8.37 It is considered that, in this instance, the concerns raised by objectors do not represent material considerations that are so significant that would warrant a refusal in this case.

9. Conclusions

- 9.1 The proposal is considered acceptable in terms of the development plan and meets the criteria set out within policies PP 3 and AD 3, PROT A Category 5, EDQ 1, EDQ2 and EDQ 3 of the North Lanarkshire Local Development Plan 2022. The proposed residential development can be incorporated within urban site without having a detrimental impact on the character and amenity of the site and wider area.
- 9.2 The proposed development also complies with policies 3, 13, 14, 15, 16 and 22 of NPF 4 as it utilises an area of vacant urban brownfield land, providing opportunities for landscaping and biodiversity enhancement and sustainable travel to and from the application site and wider Shotts area.